

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DANIEL LEVIE,

Plaintiff,

vs.

WASHINGTON MUTUAL BANK,

Defendants.

Case No. 2:12-cv-00858-MMD-PAL

ORDER

(Mot for Stay Pending Mot - Dkt. #11)

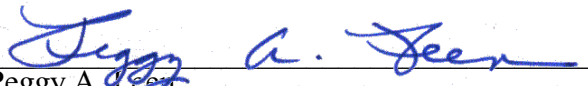
Before the court is Defendant JP Morgan Chase Bank's Motion for Stay of Litigation and Discovery Proceedings Pending a Determination Pending Motion to Dismiss for Failure to State a Claim, or, alternatively, Motion for Summary Judgment (Dkt. #11). No opposition has been filed and the time for filing a response has now run. LR 7-2(d) states, "[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." The pending motion to dismiss alleges this is the second action filed by the Plaintiff in this court against Chase alleging wrongful acts arising from an August 2007 loan to the Plaintiff by Washington Mutual Bank to purchase a home which is or was pending non-judicial foreclosure. The earlier 2010 action in Case No 2:10-cv-0657 KJD-RJJ was dismissed with prejudice pursuant to the parties' stipulation on January 10, 2010. The court has preliminarily reviewed the motion and concludes it may dispose of the entire case if granted, and Plaintiff has not filed an opposition to this motion. For these reasons,

IT IS ORDERED:

1. The Motion for Stay of Litigation and Discovery Proceedings Pending Motion to Dismiss or alternatively, Motion for Summary Judgment (Dkt. #11) is **GRANTED**.

2. If any claims survive the Motion to Dismiss (Dkt. #7) the parties shall conduct a Rule 26(f) conference and submit a proposed discovery plan and scheduling within 30 days of the decision.

Dated this 14th day of August, 2012.


Peggy A. Leen
United States Magistrate Judge